UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

)	
MARIO VLADIMIR MARTINEZ,)	
)	
Petitioner,)	
)	C.A. No. 20-10869-GAC
V.)	
)	
ANTONE MONIZ,)	
)	
Respondent.)	
)	

ASSENTED TO MOTION TO DISMISS PETITIONER'S HABEAS PETITION AS MOOT

Respondent Antone Moniz, by and through his attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully moves this Court to dismiss Petitioner Mario Vladimir Martinez's ("Petitioner") Petition for Writ of Habeas Corpus because Petitioner has been removed from the United States and is no longer in ICE custody. The Petition should therefore be dismissed as moot.

The judicial power of the United States is limited to "cases" and "controversies." U.S. Const. art. III, § 2, cl. 1. "Even if an actual case or controversy exists at the inception of litigation, a case may be rendered moot (and, therefore, subject to dismissal) if changed circumstances eliminate any possibility of effectual relief." *Maine School Administration District No. 35 v. Mr. R.*, 321 F.3d 9, 17 (1st Cir. 2003). Such is the case where, as here, an immigration detainee is released from ICE custody following the filing of a habeas corpus petition. *E.g., Omondiagbe v. McDonald*, No. 13-11182, 2014 WL 1413560, at *1 (D. Mass. Apr. 10, 2014) (dismissing petition as moot under).

Here, on May 29, 2020, Petitioner was removed from the United States to El Salvador.

Because he is no longer in ICE custody, Petitioner's post-Petition removal has eliminated any

possibility of effectual relief. See id. The Petition should therefore be dismissed as moot. See

Mr. R., 321 F.3d at 17; Omondiagbe, 2014 WL 1413560, at *1.

WHEREFORE, Respondent respectfully requests that the Court allow this assented to

motion and dismiss the Petition.

Respectfully submitted,

ANDREW E. LELLING,

United States Attorney

By: /s/ Rayford A. Farquhar

Rayford A. Farquhar (BBO #560350)

Assistant U.S. Attorney

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice filed through the ECF system will be sent

electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Rayford A. Farguhar

Rayford A. Farquhar

Assistant U.S. Attorney

Dated: June 15, 2020

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LOCAL RULE 7.1 CERTIFICATION

I, Rayford A. Farquhar, Assistant United States Attorney, herein state that I have conferred with Petitioner's counsel who informed me she assents to the filing of this motion to dismiss as moot as she confirmed Petitioner's removal that took place on May 29, 2020.

/s/ Rayford A. Farquhar Rayford A. Farquhar Assistant U.S. Attorney

Dated: June 15, 2020